

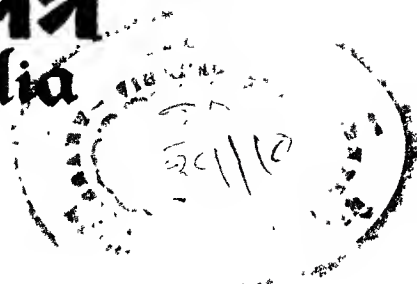


भारत का राजपत्र The Gazette of India

असाधारण
EXTRAORDINARY

भाग II—खण्ड 1
PART II—Section 1

प्राधिकार से प्रकाशित
PUBLISHED BY AUTHORITY



सं० 59]

नई दिल्ली, मंगलवार, अगस्त 7, 1984/श्रावण 16, 1906

No. 59]

NEW DELHI, TUESDAY, AUGUST 7, 1984/SRAVANA 16, 1906

इस भाग में भिन्न पृष्ठ संख्या दी जाती है जिससे कि यह अलग संकलन
'के रूप में रखा जा सके।

Separate paging is given to this Part in order that it may be filed
as a separate compilation

MINISTRY OF LAW, JUSTICE AND COMPANY AFFAIRS (Legislative Department)

New Delhi, the 7th August, 1984/Sravana 16, 1906 (Saka)

The following Act of Parliament received the assent of the President on the
6th August, 1984, and is hereby published for general information:—

THE EMPLOYEES' STATE INSURANCE (AMENDMENT) ACT, 1984

No. 45 of 1984

[6th August, 1984.]

An Act further to amend the Employees' State Insurance Act, 1948.

Be it enacted by Parliament in the Thirty-fifth Year of the Republic of India
as follows:—

1. (1) This Act may be called the Employees' State Insurance (Amend-
ment) Act, 1984.

Short
title and
commen-
cement.

(2) It shall come into force on such date as the Central Government may,
by notification in the Official Gazette, appoint, and different dates, be
appointed for different provisions of this Act and for different States or for
different parts thereof.

34. of 1948.

2. In the Employees' State Insurance Act, 1948 (hereinafter referred to as
the principal Act), in section 2,—

Amend-
ment of
section 2.

(a) in clause (2),—

(i) for the words "being not less than twenty-five but not
exceeding twenty-seven consecutive weeks or", the words "being
not exceeding" shall be substituted;

(ii) in the proviso, the words "or shorter" shall be omitted;

(b) in clause (5),—

(i) for the words, "being not less than twenty-five but not exceeding twenty-seven consecutive weeks or", the words "being not exceeding" shall be substituted

(ii) in the proviso, the words "or shorter" shall be omitted;

(c) in clause (9), in sub-clause (b), for the words "one thousand rupees" at both the places wherever they occur, the words "one thousand and six hundred rupees" shall be substituted;

(d) for clause (23), the following clause shall be substituted, namely:—

"(23) "wage period" in relation to an employee means the period in respect of which wages are ordinarily payable to him whether in terms of the contract of employment, express or implied or otherwise;".

Amend-
ment of
section 17

3. In section 17 of the principal Act,—

(a) in sub-section (1), for the words "one thousand and two hundred rupees", the words "two thousand and two hundred fifty rupees" shall be substituted;

(b) in sub-sections (3) and (4), for the words and figures "Class I or Class II", the words and letters "Group A and Group B" shall be substituted.

Amend-
ment of
section
39.

4. In section 39 of the principal Act,—

(a) for sub-section (3), the following sub-section shall be substituted, namely:—

"(3) The wage period in relation to an employee shall be the unit in respect of which all contributions shall be payable under this Act;"

(b) in sub-section (4), for the word "week" wherever it occurs, the words "wage period" shall be substituted

Amend-
ment of
section 42.

5. In section 42 of the principal Act,—

(a) in sub-section (1), for the words "are below one rupee and fifty paise", the words "during a wage period are below six rupees" shall be substituted;

(b) in sub-section (2), for the word "week", the words "wage period" shall be substituted;

(c) sub-section (3) shall be omitted.

Substitu-
tion of
new section
for sec-
tion 47.

6. For section 47 of the principal Act, the following section shall be substituted, namely:—

When
person
eligible for
sickness
benefit.

"47. A person shall be qualified to claim sickness benefit for sickness occurring during any benefit period if the contributions in respect of him were payable for not less than half the number of days of the corresponding contribution period."

Amend-
ment of
section 50.

7. In section 50 of the principal Act, for sub-section (1) and the proviso thereto, the following sub-section shall be substituted, namely:—

"(1) An insured woman shall be qualified to claim maternity benefit for a confinement occurring or expected to occur in a benefit period, if the contributions in respect of her were payable for not less than half the number of days of corresponding contribution period."

8. In section 56 of the principal Act, in sub-section (3), for the word "week", the word "period" shall be substituted.

Amendment of section 56.

9. In section 78 of the principal Act, in sub-section (1), for the words and figures "section 195 and Chapter XXXV of the Code of Criminal Procedure, 1898", the words and figures "section 195 and Chapter XXVI of the Code of Criminal Procedure, 1973" shall be substituted.

Amendment of section 78.

3 of 1898.
2 of 1974.

10. In section 95 of the principal Act, after sub-section (2), the following sub-section shall be inserted, namely:—

Amendment of section 95.

"(2A) The power to make rules conferred by this section shall include the power to give retrospective effect, from a date not earlier than the date of commencement of this Act, to the rules or any of them but no retrospective effect shall be given to any rule so as to prejudicially affect the interest of any person other than the Corporation to whom such rule may be applicable."

11. In section 96 of the principal Act, after sub-section (2), the following sub-section shall be inserted, namely:—

Amendment of section 96.

"(3) Every rule made under this section shall be laid as soon as may be after it is made, before each House of the State Legislature where it consists of two Houses, or, where such Legislature consists of one House, before that House."

12. In section 97 of the principal Act,—

Amendment of section 97

(a) in sub-section (1), after the words "The Corporation may," the words "with the prior approval of the Central Government and" shall be inserted;

(b) after sub-section (3), the following sub-section shall be inserted, namely:—

"(4) Every regulation shall, as soon as may be, after it is made by the Corporation, be forwarded to the Central Government and that Government shall cause a copy of the same to be laid before each House of Parliament, while it is in session for a total period of thirty days, which may be comprised in one session or in two or more successive sessions, and if, before the expiry of the session immediately following the session or the successive sessions aforesaid, both Houses agree in making any modification in the regulation or both Houses agree that the regulation should not be made, the regulation shall thereafter have effect only in such modified form or be of no effect, as the case may be; so, however, that any such modification or annulment shall be without prejudice to the validity of anything previously done under that regulation."

13. In the First Schedule to the principal Act,—

Amendment of the First Schedule.

(a) for paragraph 1, the following paragraph shall be substituted, namely:—

"1. The amount of contribution for a wage period shall be, in respect of—

(a) employer's contribution, a sum (rounded to the next higher multiple of five paise) equal to five per cent. of the wages payable to an employee;

(b) employee's contribution, a sum (rounded to next higher multiple of five paise) equal to two and one-fourth per cent. of the wages payable to an employee.”;

(b) in paragraph 2,—

(i) in the opening portion, after the words “daily wages”, the words “during a wage period for the purposes of section 42 and sub-paragraph (b) of paragraph 6 of this Schedule” shall be inserted;

(ii) in sub-paragraph (b), the word “first” shall be omitted;

(iii) *Explanation II* shall be omitted;

(c) after paragraph 2, the following paragraph shall be inserted, namely:—

“2A. The average daily wages during a contribution period in respect of an employee for the purposes of paragraphs 4, 5 and sub-paragraph (a) of paragraph 6 of this Schedule shall be the sum equal to one hundred and fifteen per cent. of the aggregate amount of wages payable to him during that period divided by the number of days (including paid holidays and leave days) for which such wages were payable.”;

(d) for paragraph 3 and the Table thereunder, the following paragraph and the Table shall be substituted, namely:—

“3. Daily rate of benefit (hereinafter referred to as the “standard benefit rate”) in respect of group of employees specified in the first column of the Table below shall be the amount respectively specified in the corresponding entry in the second column thereof.

TABLE

Group of employees whose average daily wages are	Corresponding daily standard benefit rate
1	2
	Rs. P.
1. Below Rs. 6	2' 50
2. Rs. 6 and above but below Rs. 8	3' 50
3. Rs. 8 and above but below Rs. 12	5' 00
4. Rs. 12 and above but below Rs. 16	7' 00
5. Rs. 16 and above but below Rs. 24	10' 00
6. Rs. 24 and above but below Rs. 36	15' 00
7. Rs. 36 and above	20' 00.

14. For the Third Schedule to the principal Act, the following Schedule shall be substituted, namely:—

Substitution of the Third Schedule.

“THE THIRD SCHEDULE

(Sec section 52A)

LIST OF OCCUPATIONAL DISEASES

Sl. No.	Occupational disease	Employment
1	2	3
PART A		
1.	Infectious and parasitic diseases contracted in an occupation where there is a particular risk of contamination.	(a) All work involving exposure to health or laboratory work; (b) All work involving exposure to veterinary work; (c) Work relating to handling animals, animal carcasses, part of such carcasses, or merchandise which may have been contaminated by animals or animal carcasses; (d) Other work carrying a particular risk of contamination.
2.	Diseases caused by work in compressed air.	All work involving exposure to the risk concerned.
3.	Diseases caused by lead or its toxic compounds.	All work involving exposure to the risk concerned.
4.	Poisoning by nitrous fumes.	All work involving exposure to the risk concerned.
5.	Poisoning by organophosphorus compounds.	All work involving exposure to the risk concerned.
PART B		
1.	Diseases caused by phosphorus or its toxic compounds.	All work involving exposure to the risk concerned.
2.	Diseases caused by mercury or its toxic compounds.	All work involving exposure to the risk concerned.
3.	Diseases caused by benzene or its toxic homologues.	All work involving exposure to the risk concerned.
4.	Diseases caused by nitro and amido toxic derivatives of benzene or its homologues.	All work involving exposure to the risk concerned.
5.	Diseases caused by chromium or its toxic compounds.	All work involving exposure to the risk concerned.
6.	Diseases caused by arsenic or its toxic compounds.	All work involving exposure to the risk concerned.
7.	Diseases caused by radioactive substances and ionising radiations.	All work involving exposure to the action of radioactive substances or ionising radiations
8.	Primary epithelomatous cancer of the skin caused by tar, pitch bitumen, mineral oil, anthracene, or the compounds, products or residues of these substances.	All work involving exposure to the risk concerned.

Sl. No.	Occupational disease	Employment
1	2	3
9.	Diseases caused by the toxic halogen derivatives of hydrocarbons (of the aliphatic and aromatic series).	All work involving exposure to the risk concerned.
10.	Diseases caused by the carbon disulphide.	All work involving exposure to the risk concerned.
11.	Occupational cataract due to infra-red radiations.	All work involving exposure to the risk concerned.
12.	Diseases caused by manganese or its toxic compounds.	All work involving exposure to the risk concerned.
13.	Skin diseases caused by physical, chemical or biological agents not included in other items.	All work involving exposure to the risk concerned.
14.	Hearing impairment caused by noise.	All work involving exposure to the risk concerned.
15.	Poisoning by dinitrophenol or a homologue or by substituted dinitrophenol or by the salts of such substances.	All work involving exposure to the risk concerned.
16.	Diseases caused by beryllium or its toxic compounds.	All work involving exposure to the risk concerned.
17.	Diseases caused by cadmium or its toxic compounds.	All work involving exposure to the risk concerned.
18.	Occupational asthma caused by recognised sensitising agents inherent to the work process.	All work involving exposure to the risk concerned.
19.	Diseases caused by fluorine or its toxic compounds.	All work involving exposure to the risk concerned.
20.	Diseases caused by nitroglycerine or other nitroacid esters.	All work involving exposure to the risk concerned.
21.	Diseases caused by alcohols and ketones.	All work involving exposure to the risk concerned.
22.	Diseases caused by asphyxiants: carbon monoxide, and its toxic derivatives, hydrogen sulfide.	All work involving exposure to the risk concerned.
23.	Lung cancer and mesotheliomas caused by asbestos.	All work involving exposure to the risk concerned.
24.	Primary neoplasm of the epithelial lining of the urinary bladder or the kidney or the ureter.	All work involving exposure to the risk concerned.

PART C

- | | | |
|----|---|--|
| 1. | Pneumoconiosis caused by sclerogenic mineral dust (silicosis, anthracosilicosis, asbestosis) and silico-tuberculosis provided that silicosis is an essential factor in causing the resultant incapacity or death. | All work involving exposure to the risk concerned. |
| 2. | Bagassosis. | All work involving exposure to the risk concerned. |
| | Bronchopulmonary diseases caused by cotton, flax, hemp and sisal dust (Byssinosis). | All work involving exposure to the risk concerned. |
| 4. | Extrinsic allergic alveolitis caused by the inhalation of organic dusts. | All work involving exposure to the risk concerned. |
| 5. | Bronchopulmonary diseases caused by hard metals. | All work involving exposure to the risk concerned. |

15. The Employees' State Insurance Corporation (General Provident Fund) Rules, 1973 shall be and shall be deemed always to have been as valid and effective as if the provisions of section 95 of the principal Act, as amended by this Act, were in force at the time when those rules were made.

Validation.

R. V. S. PERI SASTRI,
Secy. to the Govt. of India.

CORRIGENDA

In the Hooghly Docking and Engineering Company Limited (Acquisition and Transfer of Undertakings) Ordinance, 1984 (7 of 1984), as published in the Gazette of India, Extraordinary, 1984 (Sl. No. 56), Part II, Section 1, dated the 28th June, 1984:—

- (1) at page 6, in line 25, for "undertakings", read "undertakings";
- (2) at page 10, in line 23, for "18. (1)", read "18.";
- (3) at page 10, in line 31, for "19. (1)", read "19.";
- (4) at page 14, in line 18, for "exercisd", read "exercised";
- (5) at page 14, in line 35, for "he", read "the".

CORRIGENDA

In the Banking Laws (Amendment) Act, 1983 (1 of 1984), as published in the Gazette of India, Extraordinary, Part II, Section 1, dated 12th January, 1984:—

- (i) at page 1, in the long title, line 6, for "transfer" read "Transfer";
- (ii) at page 2, in the marginal heading to section 2, for "16" read "18";
- (iii) at page 3, in line 39, for "subsequently, included" read "subsequently included";
- (iv) at page 11,—
 - (a) in line 20, for "of" read "or";
 - (b) in line 37, for "reduce" read "reduced";
 - (c) in line 37, for "banks institutions" read "banks and institutions";
 - (v) at page 12, in line 33, for "shall be" read "shall not be";
 - (vi) at page 14, in line 28, for "purpose" read "purposes";

(vii) at page 15, in line 37, for "or" read "on";

(viii) at page 20, in line 33, for "that nothing containe in this sub-section shall affect" read "that where any decree, order, certificate or other";

(ix) at 27, in line 14, for "balances" read "balance";

(x) at page 31, in line 20, for "Bany" read "Bank";

(xi) at page 35, in line 37, for "activitier" read "activities";

(xii) at page 36,—

(a) in line 9, for 'actities'' read 'activities'';

(b) for lines 32 and 33, read "(4) Every regulation shall, as soon as may be afte. it is made under this Act by the State Bank, be forwarded to the Central Gov-";

(xiii) at page 40.—

(a) in line 28, for "Indita" read "India";

(b) in line 29, for "subsiiary" read "subsidiary".

CORRIGENDUM

In the Appropriation Act, 1984 (7 of 1984), as published in the Gazette of India, Extraordinary, 1984 (Sl. No. 13), Part II, Section 1, dated the 23rd March, 1984, at page 3, in column No. 3 (1) (Voted by Parliament), against Demand No. 49-Family Welfare—Revenue, for "9,77,99,000" read "19,77,99,000".

CORRIGENDA

In the Monopolies and Restrictive Trade Practices (Amendment) Act, 1984 (30 of 1984), as published in the Gazette of India, Extraordinary, Part II, Section 1 (No. 38), dated the 21st May, 1984:—

(i) at page 12, line 21, for "ing equipment" means any equipment or device needed for re-', read "ing sub-section and *Explanations* shall be substituted, namely:—";

(ii) at page 31, lines 49 and 50, for "may extend to five hundred rupees for every day, after the thousand rupees, or with both.'.", read "may extend to three years, or with fine which may extend to five thousand rupees, or with both.".

(iii) at page 33, in line 13, for "the Act", read "this Act".